

Minutes
Bar Harbor Town Council
March 2, 2010

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Sandy McFarland, Ruth Eveland, Paul Paradis, Peter St. Germain, Jane Disney, Greg Veilleux, Robert Jordan, Jr.; and Town Manager Dana Reed.
- A. **Excused Absence(s)** – *There were none.*
- II. **APPROVAL OF MINUTES**
- A. **February 9, 2010** – Mr. Paradis, with second by Ms. Eveland, moved to approve the minutes of February 9, 2010 regular meeting as presented. Motion passed 7-0.
- III. **ADOPTION OF AGENDA** – Mr. Paradis, with second by Ms. Eveland, moved to adopt the agenda as presented. Motion passed 7-0.
- IV. **CONSENT AGENDA** – *A single vote was taken to approve the following items of business without discussion:*
- A. **Land Use Ordinance Amendments for June Town Meeting** – *Possible adoption of a motion to sign the amended order to place the “Downtown Village I, II and Village Transitional Districts” Land Use Ordinance Amendment on the June Town Meeting Warrant as presented.*

Amended

Order

Of the Bar Harbor Town Council
For the June 8, 2010 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

LAND USE ORDINANCE AND MAP AMENDMENT –Downtown Village I, II and Village Transitional Districts, and Official Zoning Map Amendment – Shall an Ordinance dated February 2, 2010 and entitled “An amendment to adopt standards for the Downtown Village I and II and Village Transitional Districts, Appendix C Table of Permitted Uses, and a revision to the Official Zoning District Map” be enacted?

Downtown Village I, II and Village Transitional Districts

An amendment to adopt standards for the Downtown Village I and II and Village Transitional District, Appendix C Table of Permitted Uses, and a revision to the Official Zoning District Map.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE II Establishment of Districts

§ 125-12. Neighborhood districts. [Amended 11-5-1991; 5-1-1995]

For the purposes of this chapter, all land and water areas in the Town of Bar Harbor are hereby divided into the following districts:

Downtown Village I ~~Downtown Business I~~
Downtown Village II ~~Downtown Business II~~
Village Transitional

Section 125-21 Downtown Village I (formerly Downtown Business District I)

A. Purpose:

The Downtown Village I district is the primary growth area for commercial development and is part of the defining character of the central business district. It is also the center for social and cultural activity for both the visitor and the resident. Mixed use developments that encourage commercial activity at the street level are desired. New development, re-development and infill development shall respect and reflect standards to assure that the uses are compatible to any nearby properties.

B. Dimensional Standards:

- (1) Minimum lot size: 1,000 square feet.
- (2) Minimum road frontage and lot width: 20 [feet].
- (3) Minimum front setback: zero [feet].
- (4) Minimum side setback: 25 [feet] on any side yard that abuts a residential or historic district; zero [feet] elsewhere.
- (5) Minimum rear setback: 25 [feet] on any rear yard that abuts a residential or historic district; ~~five zero~~ [feet] elsewhere.
- (6) Maximum allowable lot coverage: 100% exclusive of setbacks
- (7) Maximum height: 45 [feet] and: [Amended 5-2-2005] within 15 [feet] of the front property line, the building height shall be no more than 35 [feet]. Beyond 15 [feet] of the front property line, the building may extend to a maximum height of 45 [feet]. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:
 - (a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
 - (b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
 - (c) The building must provide a minimum number of dwelling units (See Table 3.)⁷

⁷ Editor's Note: Table 3 is included at the end of this chapter.

which qualify as affordable housing as defined or otherwise provided.

- ~~(a) Within 15 [feet] of the front property line, the building facade height shall be no more than 35 [feet]; or~~
 - ~~(b) Within 15 [feet] of the front property line, the building facade height shall be no more than 35 [feet] or three stories of habitable space, whichever is less, and beyond 15 [feet] of the front property line, the portion of the building above 35 [feet] may include a fourth story of habitable space, provided that:~~
 - ~~i. The floor area above 35 [feet] in height, or square footage equal to that floor area, is dedicated in the building for dwelling units only;~~
 - ~~ii. These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and~~
 - ~~iii. The building must provide a minimum number of dwelling units (See Table 3.)~~
- (8) Minimum lot area per family: 750 square feet.

C. Allowed Uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal and government uses; restaurants & bars; theaters; galleries; services, professional offices; vacation rentals; all bed & breakfasts; food-processing establishment; theaters; single and two family dwelling units; laundry & dry cleaning; artist studio.
- (2) Uses allowed by site plan review: Hotel; Motel; Conference Centers; multi-family dwelling I and II; all types of child care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction.

D. Allowed Activities:

- 1. Activities allowed without a permit, provided it complies with all provisions of the Section 125: activities necessary for managing/protecting land; filling/earth moving activity less than 10 cubic yards; forest management activities except timber harvesting; non-intensive recreation uses not requiring structures; public utility installation/essential services.
- 2. Activities allowed by building permit and require approval of the Code Enforcement Officer: driveway construction; filling/earth moving activity 10 cubic yards or more.

E. Other requirements:

- (1) All changes to facades and signs require Design Review Board approval.
- (2) Parking Requirements:
 - (a) All transient accommodations shall provide one space per room
 - (b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees
 - (c) Other uses shall not be required to provide parking

Section 125 – 21.2 Downtown Village Transitional

A. Purpose:

The Downtown Transitional Zone is to govern areas that are adjacent to downtown village districts to give a transition from the commercial cores to the residential neighborhoods.

B. Dimensional Standards:

- (1) Minimum lot size: 2,500 square feet.
- (2) Minimum road frontage and lot width: 30 [feet].
- (3) Minimum front side and rear setback: five [feet].
- (4) Maximum allowable lot coverage: 80% exclusive of setbacks
- (5) Maximum height: 35 [feet] and three habitable floors of space

C. Allowed Uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; Bed & Breakfast I, II & III; single and two-family residential; family child care; food-processing establishments, laundry & dry cleaning; artist studio
- (2) Uses allowed by site plan review: multi-family dwelling I and II; all other types of child care facilities; medical clinics.

D. Allowed Activities:

- (1) Activities allowed without a permit, provided it complies with all provisions of the Section 125: activities necessary for managing/protecting land; filling/earth moving activity less than 10 cubic yards; forest management activities except timber harvesting; non-intensive recreation uses not requiring structures; public utility installation.
- (2) Activities allowed by building permit and require approval of the Code Enforcement Officer: driveway construction; road construction; filling/earth moving activity 10 cubic yards or more.

E. Other requirements:

- (1) All changes to facades and signs require Design Review Board approval.
- (2) Parking Requirements:
 - (a) Transient accommodations shall provide one space per room
 - (b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees
 - (c) Professional offices, medical clinics shall provide parking for the number of employees on the largest shift plus adequate parking for visitors and patients as reviewed by the Planning Board
 - (c) Other uses shall not be required to provide parking.

§ 125-21.1 Downtown Business Village II.**A. Purpose**

The purpose of the Downtown Business II Zone is to provide a commercial and visual transition between the core business district to the scenic byway of Route 3.

B. Dimensional Standards

- (1) Minimum lot size: 1,000 square feet.
- (2) Minimum road frontage and lot width: 20 [feet].
- (3) Minimum front setback:

- (a) Ten [feet] for buildings up to 30 [feet] in height.
- (b) Twenty [feet] for buildings over 30 [feet] and up to 45 [feet] in height.
- (c) Ten [feet] for buildings up to 45 [feet] in height, provided that the portion of the building above 30 feet in height meets all ~~four~~ three of the following conditions:
 - i. The portion of the building which is above 30 feet in height shall be set back no fewer than 20 feet from the front property line;
 - ii. ~~The floor area above 30 feet in height, or square footage equal to that floor area, shall be dedicated in the building for dwelling units only;~~
 - ii. The dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
 - iii. The building must provide a minimum number of residential units (See Table 3.) which qualify as affordable housing as defined or as otherwise provided.
- (4) Minimum side setback: zero [feet].
- (5) Minimum rear setback: 20 [feet] for buildings on any yard that abuts a residential district; 10 [feet] for accessory structures and parking on any yard that abuts a residential district; five [feet] elsewhere.
- (6) Maximum lot coverage:
 - (a) Ninety percent for buildings up to 30 [feet] in height.
 - (b) Eighty percent for buildings over 30 [feet] and up to 35 [feet] in height.
 - (c) Seventy percent for buildings over 35 [feet] and up to 45 [feet] in height.
- (7) Maximum height: 45 feet and; [Amended 5-2-2005] within 15 [feet] of the front property line, the building height shall be no more than 35 [feet]. Beyond 15 [feet] of the front property line, the building may extend to a maximum height of 45 [feet]. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:
 - (a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
 - (b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
 - (c) The building must provide a minimum number of dwelling units (See Table 3.)⁷ which qualify as affordable housing as defined or otherwise provided.
 - (a) ~~Within 10 [feet] of the front property line, the building facade shall be no more than 30 feet or three stories of habitable space, whichever is less; or~~
 - (b) ~~Within 10 [feet] of the front property line, the building facade shall be no more than 30 feet or three stories of habitable space, whichever is less, and beyond 20 feet of the front property line, The portion of the building above 30 feet may include a fourth story of habitable space, provided that:~~
 - i. ~~The floor area above 30 feet in height, or square footage equal to that floor area, is dedicated in the building to dwelling units only;~~
 - ii. ~~These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and~~
 - iii. ~~The building must provide a minimum number of dwelling units (See Table 3).EN which qualify as affordable housing as defined.~~

- (8) Minimum lot area per family: 750 square feet.

C. Allowed Uses

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal and government uses; restaurants & bars on lots with frontage on Cottage, Main, Mount Desert or West Streets; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed & breakfasts; food-processing establishment; professional office buildings; laundry & dry cleaning; artist studio
- (2) Uses allowed by site plan review: Hotel; Motel; multi-family dwelling I and II; all types of child care facilities, all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers

D. Allowed Activities:

- (1) Activities allowed without a permit, provided it complies with all provisions of the Section 125: activities necessary for managing/protecting land; filling/earth moving activity less than 10 cubic yards; forest management activities except timber harvesting; non-intensive recreation uses not requiring structures; public utility installation.
- (2) Activities allowed by building permit and require approval of the Code Enforcement Officer: driveway construction; road construction (after subdivision approval has been granted); filling/earth moving activity 10 cubic yards or more; essential services.

E. Other requirements

- (1) All changes to facades and signs require Design Review Board approval.
- (2) Parking Requirements
- (a) Transient accommodations shall provide one space per room
- (b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees
- (c) Professional offices, medical clinics and hospitals shall provide parking for the number of employees on the largest shift plus adequate parking for visitors and patients as reviewed by the Planning Board
- (c) Other uses shall not be required to provide parking

ARTICLE V Site Plan Review

§ 125-67. General review standards.

B. Lot Standards

- (2) Front setback distances shall be measured from the center line of the traveled way in all districts except the Bar Harbor Historic, Bar Harbor Historic Corridor, Bar Harbor Residential, Downtown Village Business, Downtown Residential, Halls Cove Business and Shoreland General Development I Districts where setback distances shall be measured from the edge of the lot line.
- (4) ~~Off Street parking; preservation of vegetative cover~~

(b) ~~The following incentive shall be provided to preserve existing vegetative cover or to create new landscaped areas: within the Downtown Business and Shoreland General Development Districts, for every contiguous 200 square feet of vegetative cover located within the front yard (and rear setback in Shoreland General Development District only), whether mandatory or otherwise, one parking space, as required by Subsection D, shall be waived.~~

(b) ~~The following incentive shall be provided to preserve existing street trees or create new street tree planting within the Downtown Business II District, for every tree larger than four inches in caliper planted or retained in the front setback, one parking space, as required by Subsection D, shall be waived.~~

D. Parking requirements. Any site plan for an activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following:

- (3) ~~Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.~~

(a) Dwellings: one parking space for each dwelling ~~unit except in the Downtown Village Business I and Downtown Village Business II Districts, where none shall be required.~~
[Amended 5-3-2004; 6-13-2006EN]

(g) Restaurants, eating and drinking establishments: four spaces per 1,000 square feet of gross leasable area; ~~Downtown Village Business Districts are required to provide three spaces per 1,000 square feet of gross leasable area.~~ [Amended 3-24-1998;

E. Parking areas and driveways. All site plans shall comply with the following standards for parking areas and driveways:

- (22) No part of any driveway shall be located within 10 feet of a side property line, except in the following districts: Downtown Village Business, Shoreland General Development I and II, Hulls Cove Business, Town Hill Business and Downtown Residential. However, in any district the Planning Board shall permit a driveway serving two or more adjacent sites to be located on or within 10 feet of a side property line between the adjacent sites. [Amended 5-6-1996]

H. Buffering and screening. All site plans shall provide for buffering or screening in accordance with the following standards:

- (1) Buffers. Buffers shall be provided and maintained:

(a) At least 75 feet in width along any line of any lot in a nonresidential district containing a nonresidential structure or use if said line abuts a residential district, provided that this requirement shall not apply to the Downtown Village Business District;

Z. Light and glare. All site plans shall demonstrate that the proposed development shall comply with the following requirements with respect to exterior lighting. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII. [Amended 11-2-1999; 11-4-2008]

- (4) Additional requirements for commercial and multifamily applications:

(a) Signs and advertising.

- [2] Signs may be illuminated internally only by nonflashing lights that contain an opaque background, and this provision applies solely for properties with frontage on Route 3 and Route 102. No internally lit signs are allowed in the Downtown Village Business District. Any lights that flash, pulse, rotate, move, or simulate motion are not permitted.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII. [Amended 11-5-1991; 11-2-1999; 11-4-2003; 6-13-2006; 11-7-2006; 11-6-2007; 6-9-2009]

(3) Prohibitions.

- (h) Internally illuminated signs in the downtown village business districts and historic districts are prohibited.

(5) General requirements for all signs.

- (e) Maximum individual sign area. Unless otherwise approved by the Design Review Board, individual signs shall not exceed 24 square feet in the Downtown Village Business I and II and historic districts.

- (j) Setback. All freestanding signs shall be set back a minimum of five feet from any property line except in the downtown village business districts.

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness.

(a) Building permits required.

- [1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts:

[d] Downtown Village Business Districts.

- (n) Internally illuminated signs: opaque background only and allowable only on Routes 102 and Route 3 outside of the Downtown Village Business Districts and historic districts.

EE. Fire protection.

- (1) Detailed building plans for commercial developments in the Downtown Village Business and Shoreland General Development I Districts, transient accommodations, nursing homes, convalescent centers, retirement communities, private compulsory schools, multifamily dwellings and hospitals shall be approved, in writing, for compliance with Life Safety Codes by the State Fire Marshal's Office or by the Bar Harbor Fire Chief. [Amended 11-5-1991; 5-3-1999]

§ 125-69. Standards for particular uses, structures or activities.

F. Manufactured housing.

- (1) It is the policy of the Town of Bar Harbor to allow manufactured housing on individual, undeveloped lots in a variety of locations so as to offer a viable housing option for the citizens of Bar Harbor. Such housing shall be subject to the same requirements as single-family dwellings except as provided in this Subsection F. Mobile homes are prohibited in the Downtown Village Business, Downtown Residential, Bar Harbor Historic, and Shoreland General Development Districts. [Amended 11-5-1991]

R. Affordable housing.

(4) Optional Payment

In the Downtown Village Districts only, in lieu of providing the requisite affordable housing units, the applicant shall make a payment into a town-managed fund dedicated to the creation of affordable housing in Bar Harbor. The Town Council shall determine how to use the funds. The amount of the payment shall be calculated as follows: The number of required affordable units x (annual average income for a family of four in Hancock County x 3). Evidence of payment shall be provided prior to the issuance of a building permit for the construction of the approved plan.

S. Planned Unit Development - Village (PUD-V). [Added 6-13-2006^{EN}]

(2) District and authority.

- (a) The Planned Unit Development-Village is an overlay option to zoning in existing neighborhood districts. The districts in which the PUD-V overlay is permitted are Downtown Village Business I and II; Downtown Residential; Bar Harbor Residential, where served by the Town sewer system; and Hulls Cove Business, where served by the Town sewer system. Properties in the above-noted neighborhood districts with a portion of land in the Shoreland Residential, Shoreland Commercial I and II, Resource Protection and Stream Protection Neighborhood Districts may apply for a PUD-V; however, these properties must still meet shoreland standards contained in § 125-68.

ARTICLE VII, Permits

§ 125-77. Permit required for certain activities. [Amended 5-7-1991; 11-2-1999]

After the effective date of this chapter, a written permit from the Code Enforcement Officer shall be required for the following activities, regardless of whether such activities have received site plan or subdivision approval or whether they also require review by the Design Review Board pursuant to Article XIII, Design Review:

C. Alteration. Alteration of a building, structure, or land, or parts thereof, including but not limited to: [Amended 5-3-2004]

- (10) Erection of panels for winter closure or the erection of winter storm vestibules in the Downtown Village Business or Waterfront Development Districts; provided, however, that a permit need only be obtained in the first year of the useful life of the structure to be erected.

ARTICLE XII Construction and Definitions

§ 125-109 Definitions

ARTIST STUDIO – An art profession home occupation for gain and support which is conducted entirely within a residential dwelling unit or structure accessory to the dwelling unit. Retail sales of products made on the premises are allowed in residential districts; accessory retail of products made on the premises and other products are allowed in commercial and corridor districts.

BED and BREAKFAST I – Overnight accommodations and a morning meal in an owner-occupied dwelling unit constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate.

BED and BREAKFAST II – Overnight accommodations and a morning meal in a dwelling unit occupied by the owner/innkeeper or a designated employee constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate.

BED and BREAKFAST III – Overnight accommodations and a morning meal in a dwelling unit occupied by the owner/innkeeper or a designated employee provided to transients for compensation. Breakfast is included in the room rate.

BED and BREAKFAST IV – Overnight accommodations, a morning meal, and additional meals in a dwelling unit occupied by the owner/innkeeper or a designated employee constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate. The meals may be open to the public.

BED and BREAKFAST V – Overnight accommodations, a morning meal, and additional meals in a dwelling unit occupied by the owner/innkeeper or a designated employee provided to transients for compensation. Breakfast is included in the room rate. The meals may be open to the public.

CABINS - - free-standing dwelling units or cottages on a parcel; said units are subject to seasonal closure

CHILD CARE CENTER - A building for providing care and protection for 3 or more children under 13 years of age.

CONFERENCE CENTER – a facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services primarily for conference center guests.

FAMILY CHILD CARE - Care and protection that is provided in a dwelling unit on a regular basis, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's dwelling. If a provider is caring for children living in that provider's home and is caring for no more than 2 other children, then the use is customary to a dwelling unit and is not regulated herein.

FOOD PROCESSING ESTABLISHMENT – An establishment in which food or beverages are processed or otherwise prepared for eventual human consumption and may be served or sold on the premises; in the downtown village district, this use shall not include fresh or frozen fish, meat or poultry processing

GALLERY – A retail establishment primarily engaged in the sale of drawings, photography, paintings, sculpture and the like to customers for their own individual or household use. Accessory uses may include restaurant.

GROCERY STORE – A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket.

HOME OCCUPATION -- A business, trade, arts, occupation or profession conducted for gain and support which is customarily carried on entirely within a residential dwelling unit or structure accessory to the

dwelling unit which is clearly accessory and incidental to and compatible with the surrounding residential uses.

HOTEL- A facility offering transient lodging accommodations for transients and which may include additional accessory facilities and services available to the general public, as well as a conference center.

MEDICAL CLINIC -- An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments; doctor's offices are included in this definition.

MOTEL – A facility providing sleeping accommodations for transients with additional accessory facilities and services available to transients at the motel only.

PROFESSIONAL OFFICE BUILDING -- A building in which there is located the office of a professional, such as an architect, accountant, dentist, ~~doctor of medicine~~, lawyer, and the like, or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

SERVICES – Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government and other enterprises

TRANSIENT ACCOMMODATIONS – a collective term to describe Bed & Breakfast, Motels, Hotels, Conference Centers, and Cabins

- A. ~~TA 1 – Bed and breakfast accommodations in the private, year round residence of the host family who live on the premises (one to three rooms; maximum six guests). Breakfast is the only meal provided.~~
- B. ~~TA 2 – A building or buildings where for compensation lodging is provided (four to 25 rooms). No meals are served.~~
- C. ~~TA 3 – An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging is provided (four to 10 rooms). TA 3 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures. [Amended 11-5-1991; 11-2-2004]~~
- (1) ~~No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;~~
- (2) ~~There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts; and~~
- (3) ~~Breakfast is the only meal provided.~~
- D. ~~TA 4 – An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging is provided (11 to 25 rooms). TA 4 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures. [Amended 11-5-1991; 11-2-2004]~~
- (1) ~~No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;~~
- (2) ~~There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts; and~~
- (3) ~~Breakfast is the only meal provided.~~
- E. ~~TA 5 – A building or buildings where for compensation lodging and one or more meals for guests only are provided (four to 25 rooms). [Amended 5-6-2002]~~
- F. ~~TA 6 – An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging and meals for guests only are provided (four to 25 rooms). TA 6 is permitted in~~

~~districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures; [Amended 11-5-1991; 11-2-2004]~~

- (1) ~~No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;~~
- (2) ~~There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts.~~
- G. ~~TA 7 A building or buildings where for compensation lodging and meals are provided (four to 25 rooms). Accessory uses subject to site plan review include restaurant, gift shop and the like.~~
- H. ~~TA 8 A building or buildings where for compensation lodging and meals are provided (25 or more rooms). Accessory uses subject to site plan review include restaurant, cocktail lounge, gift shop, conference room, recreational facilities, such as swimming pool, game courts, and recreational rooms, and the like.~~

ARTICLE XIII Design Review

§ 125-112. Applicability of design review.

- A. Design Review Overlay District. [Amended 11-4-2003; 11-2-2004]
 - ***
 - (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village Business District; the Shoreland General Development I District; the Bar Harbor Historic District; and the Bar Harbor Historic Corridor District (excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D) and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all Bed & Breakfast uses ~~individual properties with the following uses~~, regardless of their district location: ~~TA 1, TA 3, TA 4, and TA 6.~~
- B. Activities subject to design review. Any of the following activities shall be undertaken within the designated district only after a certificate of appropriateness has been issued by the Code Enforcement Officer of the Town of Bar Harbor after review and approval by the Review Board: [Amended 11-4-2003; 5-3-2004; 11-2-2004]
 - (1) The demolition, in whole or in part, of a building or structure classified as historic as denoted in Appendix A and/or B or is a Bed & Breakfast I, II or IV ~~TA 1, 3, 4 or 6, respectively;~~ [Amended 11-4-2003]
 - (2) The moving or relocation of a building, sign or structure classified as historic as denoted in Appendix A and/or B or is a Bed & Breakfast I, II or IV ~~TA 1, 3, 4 or 6, respectively;~~ [Amended 11-4-2003]
 - (3) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing building, sign, fence, or structure classified as historic as denoted in Appendix A and/or B or is a Bed & Breakfast ~~TA 1, 3, 4 or 6, respectively,~~ including additions, reconstruction, alterations, or maintenance involving a change in the exterior color or materials;
- ***
- C. Standards for materials and design details for structural projects. The following standards are intended to assure that proposals conform to the quality of design that has historically been associated with buildings within the district. The structural standards have been designed to promote compatibility with Bar Harbor's historic character and its scenic location. Certain types of design are inappropriate within the designated Design Review Overlay Districts since they will not meet

these standards and thus do not enhance the existing visual character or preserve Bar Harbor's uniqueness. [Amended 11-3-2009]

- (1) Construction standards. With the advent of many new exterior materials, the standards are not intended to prohibit the use of all new materials. Therefore, any quality material that simulates traditional features will be evaluated on a case-by-case basis. The following standards apply to the construction of new buildings, additions to existing buildings, reconstruction, and major renovations:

(d) Doors and doorways (in the Downtown ~~Business~~ Village Districts only).

(e) Roofing.

- [2] In the Downtown ~~Business~~ Village Districts, brightly colored metal, plastic or fiberglass roofing is visually incompatible with the character of the district and therefore inappropriate.

- [4] In the Downtown ~~Business~~ Village Districts, appropriate roof colors include neutral shades such as earth tones, greys, and black. Bright or primary colors are not appropriate.

(g) Entrances.

- [1] In the Downtown ~~Business~~ Village Districts, an entrance is much more than a doorway. It is a means of getting from the street to the front door and may include changes in grade, protection from the elements, and/or a degree of landscaping and lighting. The entrance to the building shall be visually compatible with the overall building treatment and should be the focal point of the facade. The entrance shall be designed and placed to have both a visual and functional relationship to the street and sidewalk.

Effective Date and Applicability: These ordinance amendments shall not apply to any proceedings or applications approved prior to the effective date of July 8, 2010, or deemed to be "pending" within the meaning of 1 M.R.S.A. §302 as of the effective date. In addition, these ordinance amendments shall not apply to any application for construction or development-related permits for any project that (i) received final subdivision and/or site plan approval from the Town prior to the effective date, or (ii) for which an application or proceeding for subdivision and/or site plan approval was deemed "pending" within the meaning of 1 M.R.S.A. §302 as of the effective date.

Appendix C Amendments attached herein.

MAP AMENDMENT

Assign the Downtown Village I District to the following Property Tax Map and Lot numbers pursuant the Proposed Zoning Changes map created on February 2, 2010:

Map-Lot	Map-Lot	Map-Lot	Map-Lot
104-496-000	104-104-000	104-391-000	104-505-000
104-501-000	104-140-000	104-378-000	104-507-000
104-339-000	104-131-000	104-516-000	104-506-000
104-495-000	104-153-000	104-355-000	104-402-000

Map-Lot	Map-Lot	Map-Lot	Map-Lot
104-358-000	104-105-000	104-354-000	104-401-000
104-385-000	104-152-000	104-379-000	104-361-000
104-388-000	104-528-000	104-397-000	104-504-000
104-510-000	104-142-000	104-511-000	105-014-000
104-461-000	104-524-000	104-127-000	105-087-000
105-028-000	105-001-000	104-147-000	104-502-000
104-451-000	104-135-000	104-100-000	104-503-000
104-459-000	104-106-000	104-146-000	104-400-000
104-491-000	104-134-000	104-145-000	104-362-000
104-450-000	104-138-000	104-515-000	104-403-000
104-118-000	104-139-000	104-396-000	105-015-000
104-117-000	104-526-000	104-394-000	104-363-000
104-116-000	104-141-000	104-380-000	104-500-000
104-119-000	104-132-000	104-399-000	104-499-000
104-120-000	104-517-000	104-381-000	104-497-000
104-115-000	104-525-000	105-006-000	104-341-000
104-114-000	104-137-000	104-512-000	104-494-000
104-121-000	104-136-000	104-382-000	105-027-000
104-099-000	104-107-000	104-513-000	104-342-000
104-098-000	104-522-000	104-395-000	104-492-000
104-122-000	104-521-000	105-005-000	104-493-000
104-097-000	104-520-000	104-398-000	104-458-000
104-123-000	104-375-000	104-356-000	104-457-000
104-125-000	104-374-000	104-393-000	104-456-000
104-113-000	104-373-000	104-383-000	104-460-000
104-150-000	104-519-000	104-392-000	104-454-000
104-151-000	104-372-000	104-357-000	104-453-000
104-126-000	104-371-000	104-384-000	104-452-000
104-340-000	104-370-000	105-033-000	104-490-000

Map-Lot	Map-Lot	Map-Lot	Map-Lot
104-128-000	105-003-000	104-488-000	104-462-000
104-101-000	104-369-000	104-464-000	104-463-000
104-148-000	104-376-000	104-466-000	104-489-000
104-102-000	104-368-000	104-386-000	104-465-000
104-144-000	104-377-000	104-509-000	104-467-000
104-103-000	104-367-000	104-359-000	104-518-000
104-130-000	104-366-000	104-508-000	104-531-000
104-149-000	104-365-000	104-364-000	104-387-000
104-360-000	104-143-000	104-390-000	104-389-000

Assign the Downtown Village II District to the following Property Tax Map and Lot numbers pursuant the Proposed Zoning Changes map created on February 2, 2010:

Map-Lot	Map-Lot	Map-Lot	Map-Lot
104-027-000	104-350-000	104-161-000	108-056-000
104-330-000	104-329-000	104-160-000	108-055-000
104-325-000	104-061-000	104-533-000	108-054-000
104-269-000	104-327-000	104-159-000	108-053-000
108-040-000	104-060-000	104-231-000	107-205-000
108-039-000	104-059-000	104-158-000	108-050-000
108-073-000	104-056-000	104-157-000	108-052-000
107-191-000	104-326-000	104-154-000	108-072-000
108-011-000	104-307-000	104-184-000	108-071-000
108-010-000	104-352-000	104-233-000	107-219-000
108-009-000	104-021-000	104-168-000	105-075-000
107-192-000	104-026-000	104-166-000	105-088-000
104-084-000	104-034-000	104-167-000	104-487-000
104-112-000	104-268-000	104-163-000	104-481-000
104-087-000	104-024-001	104-165-000	105-089-000
104-088-000	104-020-000	105-081-000	104-486-000

Map-Lot	Map-Lot	Map-Lot	Map-Lot
104-089-000	104-328-000	105-073-000	104-485-000
104-108-000	104-351-000	105-080-000	104-480-000
104-090-000	104-244-000	108-005-000	104-484-000
104-091-000	104-243-000	108-003-000	105-071-000
104-085-000	108-004-000	107-174-000	104-242-000
104-086-000	104-306-000	108-006-000	104-242-001
104-092-000	104-031-000	108-002-000	104-052-000
104-055-000	104-230-000	107-175-000	104-058-000
104-054-000	104-267-000	108-001-000	104-535-000
104-353-000	104-029-000	107-190-000	108-008-003
104-035-000	104-309-000	107-188-000	108-008-000
104-022-000	104-183-000	107-187-000	108-007-000
104-057-000	104-182-000	107-186-000	108-008-001
104-019-000	104-181-000	107-185-000	104-024-000
104-308-000	104-245-000	108-074-000	108-071-001
104-025-000	104-180-000	107-204-000	108-030-000
108-070-000	107-221-000	108-068-000	104-053-000
105-002-000			

Assign the Downtown Village Transitional District to the following Property Tax Map and Lot numbers pursuant the Proposed Zoning Changes map created on February 2, 2010:

Map-Lot	Map-Lot	Map-Lot	Map-Lot
104-468-000	107-178-000	107-162-000	107-206-000
104-469-000	107-176-000	107-184-000	107-207-000
104-448-000	107-177-000	107-184-001	107-208-000
104-449-000	107-156-000	107-182-000	107-201-000
104-475-000	107-157-000	107-181-000	107-202-000
104-476-000	107-170-000	107-180-000	107-200-000
104-474-000	107-169-000	107-179-000	107-214-000

104-477-000	107-159-000	107-198-000	107-212-000
000-000-000	107-168-000	107-197-000	107-285-000
104-471-000	107-167-000	107-199-000	107-210-000
104-472-000	107-160-000	107-196-000	107-211-000
104-470-000	107-161-000	107-195-000	107-215-000
104-479-000	107-166-000	107-183-000	107-216-000
104-478-000	107-165-000	107-194-000	107-217-000
107-158-000	107-164-000	107-193-000	107-218-000
104-483-000	107-163-000	107-203-000	107-171-000

Explanation: This amendment replaces the downtown business districts with 3 new districts; with accompanying changes to the neighborhood district map, the definitions and Appendix C Table of Uses.

~~Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.~~

Table of Uses pages 18-22
See signed Orders for copy

- B. **MDI Regional School District Budget Validation Referendum** – *Possible adoption of a motion to countersign the warrant for the MDIRSS Budget Referendum, per MRSA 20-A§1486.*
- C. **July Fourth** – *Possible adoption of a motion to authorize the Bar Harbor Chamber of Commerce to hold a parade on July third and fireworks on July Fourth, as outlined in its request, and thank them for their continued willingness to organize these events.*
- D. **Energy Efficiency and Conservation Block Grant** – *Possible adoption of a motion to authorize the Town Manager to accept a \$10,000 US EPA Energy Efficiency and Conservation Block Grant.*
- E. **Foss v. Town** – *Possible adoption of a motion to not appeal the Superior Court decision in Foss versus the Town of Bar Harbor.*
- F. **Scenic Byway Grant** – *Possible adoption of a motion to authorize the Town Manager to apply for a Scenic Byway grant to beautify the head of the island entrance to the Town of Bar Harbor.*

Mr. Paradis, with second by Ms. Eveland, moved to approve items as published on the consent agenda. Motion passed 7-0.

V. **PUBLIC HEARINGS:**

A. **Special Amusement Permit Renewals:**

- 1. **The Thirsty Whale**, 40 Cottage Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Basil Eleftheriou. – There being no comments, Mr. Paradis, with second by Ms. Eveland, moved to approve the Special Amusement Permit renewal for the Thirsty Whale as advertised. Motion passed 7-0.
- 2. **The Harborside Hotel & Marine**, 55 West Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard C. Ade. – There being no comments, Mr. Paradis, with second by Ms. Eveland, moved to approve the Special Amusement Permit renewal for the Harborside Hotel & Marine as advertised. Motion passed 7-0.
- 3. **Holiday Inn Bar Harbor Regency**, 123 Eden Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard C. Ade. – There being no comments, Mr. Paradis, with second by Ms. Eveland, moved to approve the Special Amusement Permit renewal for Holiday Inn Bar Harbor Regency as advertised. Motion passed 7-0.

- B. **Cruise Ship Committee Ordinance Amendment** – *Public hearing on and possible adoption of an ordinance amendment to create two non-voting seats: one for an entity receiving cruise ship tenders and one for a*

representative of the scientific community.- There being were no comments from the public, Mr. Paradis, with second by Ms. Eveland, moved to adopt the Cruise Ship Committee Ordinance amendment dated February 2, 2010 as presented, advertise the positions and schedule committee appointments for all open positions for the April 6, 2010 meeting. Motion passed 7-0.

Cruise Ship Committee Ordinance
Town of Bar Harbor

An Amendment to Add Resource Group Seats for an Entity Receiving Cruise Ship Tenders and for a Representative of the Scientific Community

The Town of Bar Harbor hereby ordains that Chapter 31, Boards, Committees and Commissions, of the Town Code is amended to add the following article:

Chapter 31, BOARDS, COMMITTEES AND COMMISSIONS

ARTICLE VIII, Cruise Ship Committee

• • • •

§ 31-41. Creation, Mission and Goals.

- A. There is hereby created a Cruise Ship Committee, with a mission to advise the Town Council on all matters related to cruise ships visiting Bar Harbor. To further this mission, the Committee shall:
- (1) Conduct a yearly review of the Cruise Season to identify operational and environmental issues.
 - (2) Conduct a yearly review of Passenger Service Fees, Port Development Fees, and the use and allocation of these funds.
 - (3) Maintain and further industry relations and communications.
 - (4) Provide a yearly report to the Town Council and Cruise Industry on goals one through three above.
 - (5) At the request of the Town Council or on its own initiative, make recommendations to the Town Council regarding cruise ship visitation.

• • • •

§ 31-43. Resource Group Composition

The Committee shall contain a resource group composed of 6 members, including: 1 representative from the Bar Harbor Chamber of Commerce, 1 representative from Cruise-Maine, 1 representative from a bus company serving the cruise ship industry, 1 representative from the taxi tours industry serving cruise ship passengers, 1 representative from an entity receiving cruise ship tenders and 1 representative of the scientific community. Resource group members will have all the rights and privileges of general membership with the exception of voting rights.

§ 31-44. Appointment, Resignation & Term of Office.

- A. **Terms.**
- (1) The terms of the Town Officials (Councilor, Harbor Master, Planning Director and Police

Chief) shall continue as long as they hold their respective office.

- (2) All non-Town Official members shall serve terms of three years, except that with respect to their initial appointments, 3 members shall be appointed to one-year terms, 3 members shall be appointed to two-year terms and 3 members shall be appointed to three-year terms. The initial term of the representative from an entity receiving cruise ship tenders shall be 2 years and that of the representative from the scientific community shall be 3 years.

[end of ordinance]

VI. **REGULAR BUSINESS:**

A. **Committee Consultations** – *Discussion of current projects, future plans and any support needed from Town Council.*

1. **Economic Development Task Force** – Pat Samuel, Economic Development Task Force Chair, gave an update on their work and their progress. In addition, they requested permission to promote “Connect ME Authority”, a state agency gathering data to identify areas without high speed internet service. The task force encouraged the public to go online and test their internet connection speed to help get Bar Harbor on the map of needed areas. They also requested the Task Force revised membership be advertised as soon as possible.

B. **Economic Development Task Force** – *Request of the EDTF for extension of the sunset provision in their bylaws to allow time for completion of the Economic Development Plan.* – Mr. Paradis, with second by Ms. Eveland, moved to request the Town Manager to prepare an amendment for the Economic Development Task Force bylaws to extend its sunset date to June 1, 2011. Motion passed 7-0.

C. **Cruise Ship Committee:**

1. *Review of and possible action on Mary Opdyke’s decision to decline her appointment as the representative for the taxi tours industry.* – Mr. Paradis, with second by Ms. Eveland, moved to accept Mary Opdyke’s decline of her appointment to the Cruise Ship Committee as the representative for the taxi tours industry. Motion passed 7-0.
2. *Application of Clare Bingham for appointment as the representative for the taxi tours industry.* - (No action taken because of the action on item V. B. above).
3. *Review of and possible action to determine an appointment process for the new scientific seat and the Tender Receiving Entity seat.* – (No action taken because of the action on item V. B. above).

D. **Water Division Office Building** – *Report by the Public Works Director on the impending move to their new office and discussion of the disposition of the old office building.* – Public Works Director Chip Reeves reported the work preparing for the newly renovated office space is progressing on target and anticipates moving in as scheduled. Following a brief discussion, Mr. Paradis, with second by Ms. Eveland, moved to schedule the disposi-

tion of the Water Division Office Building for executive session at the next Council meeting. Motion passed 7-0.

- E. **Council Goals** – *Status report by Town Manager and Department Heads.* – Written report was provided by Town Manager Dana Reed.
- F. **MDOT Capital Planning** – *Request of the Maine Department of Transportation for municipal input on its Biennial Capital Work Plan and Six Year Transportation Plan.* – Mr. Paradis, with second by Ms. Eveland, moved to direct staff to indicate the Town's priorities as follows per the request of the Maine Department of Transportation for municipal input on its Biennial Capital Work Plan and Six Year Transportation Plan:
 - 1. Highway Improvement Projects (reconstruction)
 - a. Priority 1: Eden Street from the Ferry Terminal to Cottage Street – paving, sidewalks, and drainage
 - b. Priority 2 : Route 3 from Ireson Hill to the Ferry Terminal – paving, sidewalks, and drainage
 - c. The language used should be consistent with the Route 3 Task Force's need and purpose document.
 - 2. Other Highway Improvement Needs (intersections)
 - a. Priority 1: Town Hill intersection at Crooked Road and Knox Road with Route 102
 - b. Priority 2: Route 233 and Route 3 Intersection
 - 3. Check all boxes to indicate the Town may want to participate in all Maine DOT Competitive Transportation programs with the exception of the Industrial Rail Access Program. Motion passed 7-0.
- G. **Land Use Ordinance Amendments for November Town Meeting** – *Request of the Town Manager for adoption of a Land Use Ordinance Amendment Timeline for the November Town Meeting.* – Mr. Paradis, with second by Ms. Eveland, moved to adopt the Land Use Ordinance Amendment Timeline for the November Town Meeting as presented. Motion passed 7-0.
- H. **Northeast Creek Affordable Housing** – *Review of recent developments.* – Following a brief discussion, Mr. Paradis, with second by Ms. Eveland, moved to direct staff, upon receiving a petition with the required number of valid signatures, to schedule a special Council meeting with the Town Attorney as soon as possible to discuss the Town's rights and responsibilities with regard to the petition. Motion passed 7-0.
- I. **Ethics Ordinance Training** – *Possible addition of questions suggested by Councilors and approval of the draft on-line test questions.* – Mr. Paradis, with second by Ms. Eveland, moved to approve the proposed test questions submitted by Councilor Eveland this evening as presented and add them to the pool of Ethics Ordinance training test questions. Motion passed 7-0.

- J. **Maine Service Centers Coalition** – *Possible appointment of a representative and alternate.* – Mr. Paradis, with second by Ms. Eveland, moved to appoint Town Manager Dana Reed as representative. Motion passed 7-0.
- K. **Committee Consultation Schedule** – *Request of the council chair for discussion of the difficulty of scheduling consultations with town committees.* – Mr. Paradis, with second by Ms. Eveland, moved to direct staff to develop a yearly fiscal year committee consultation schedule with specific dates and communicate those dates to applicable committee chairs stating that if there is a scheduling conflict that they may request alternate dates when needed. Motion passed 7-0.
- L. **FY10 Budget Transfer** – *Request of the Town Manager for a \$25,000 transfer from the Town Council's Contingency account to the Planning Department's Legal Services account.* – Mr. Paradis, with second by Ms. Eveland, moved to transfer \$25,000 from the Town Council's Contingency account #1036-5906 to the Planning Department's Legal Services account #1034-5342. Motion passed 7-0.
- M. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Ms. Eveland, moved to sign Treasurer's Warrant for paid bills. Motion passed 7-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. St. Germain requested for next a draft of Rules of Procedures of the Board of Assessment Review.

Mr. Paradis commented the new Newport Drive comfort station looks great so far and really fits on the site well.

He thanked Sherry Rasmussen and the Parks and Recreation Committee for their fundraising efforts for the sculpture to be placed in Barker Park. In addition, Sherry reported today that there is only \$790 left to raise of the \$8,000 needed to pay for the sculpture.

Ms. Eveland announced the Jesup Library now has available to the public DVDs of the Town Council, Planning Board, and Design Review Board taped meetings.

Dr. Disney anticipated for the next agenda a draft letter to our local non-profits for payments in lieu of taxes will be ready for discussion.

Mr. Veilleux stated he likes the new Public Works' sign.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:

- A. **Fuel Tank Lease** – *Consideration of the acquisition or disposal of real property or rights therein. (To be held in executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town.)* Mr. Paradis, with second by Ms. Eveland, moved to go into executive session at 8:35 p.m., following a break, as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargain-

ing position of the Town. Motion passed 7-0. Council entered into executive session at 8:41 p.m. Council came out of executive session at 9:10 p.m.

- B. **Sick Leave Pool** – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Ms. Eveland, moved to go into executive session at 9:11 p.m. as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council came out of executive session at 9:13 p.m. Mr. Paradis, with second by Ms. Eveland, moved to approve the sick leave transfer requested by the Finance Director in the memo dated February 19, 2010, with the following conditions:

1. The Finance Department shall transfer only up to Two hundred eighty (280) hours as needed.
2. Transferred leave will be considered qualifying leave under the Family Medical Leave Act.
3. Transferred leave may not be used by the employee until all available sick leave and accrued vacation leave have been used.
4. No additional sick leave will accrue while the transferred leave is being used.
5. Consistent with the Town policy on leaves of absence, vacation leave will not be earned for the period in which the transferred leave is used, but vacation leave will accrue pro rata based upon time actually worked during the prior year. Motion passed 7-0.

- C. **Salary Plan** – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Ms. Eveland, moved to go into executive session at 9:15 p.m. as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council came out of executive session at 9:44 p.m.

- IX. **ADJOURNMENT** – Mr. Paradis, with second by Ms. Eveland, moved to adjourn at 9:44 p.m. Motion passed 7-0.

Paul Paradis, Secretary